THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO.20858 of 2003

ORDER:

1 Questioning the continuance of the rowdy sheet opened against him, petitioner filed this petition.

2 The case, in brief, of the petitioner is that though he is a social worker without any political influence, and is fighting the cause of the poor who are shelter less and the hut dwellers, respondents who opened a rowdy sheet against him at the behest of political leaders by keeping open that rowdy sheet are harassing him and his family members and are visiting his house in his absence and are harassing the women folk in his house and so he filed writ petition No.24325 of 2001 to cancel the rowdy sheet against him, which was disposed of on 12.06.2002 with a direction to file an application before the Sub Divisional Officer to cancel the rowdy sheet, but he did not file such an application as the police threatened him. Subsequently he was falsely implicated in two more cases by the Cyberabad police, whereupon he obtained anticipatory bail in one of those cases and regular bail in another case. Thereafter he filed writ petition No.11347 of 2003 seeking protection of his life after he was detained under preventive detention law. Since the rowdy sheet opened against him is being continued without application of mind and as he was not convicted in any of the cases registered against him, the order impugned, deciding to continue the rowdy sheet against him for one more year, without having regard to the conditions laid down in the Police Standing Orders is liable to be quashed.

3 The Sub Inspector of Police, L.B. Nagar Police Station filed his counter affidavit on behalf of the respondents inter alia contending that the rowdy sheet against the petitioner was opened on 07.07.1990 by the L.B.Nagar police for one year and is being extended from time to time. The averment that the petitioner is a social worker and is helping the poor and that the L.B. Nagar police are constantly harassing his

old mother and threatening his wife are all not true. Police never threatened anyone in the family of the petitioner. Petitioner is not a social worker and is a confirmed rowdy element in the area. Petition to close the rowdy sheet, on the ground that he was not convicted in any of the cases registered was not considered because petitioner is a confirmed bad character and was involved in 18 cases from 1988 till 2004 under various sections of IPC and other enactments, some of which are still pending trial. Acquittal of the petitioner in some cases would not clothe him with a right to seek closure of the rowdy sheet against him. Petitioner who is absconding is playing hide and seek with police used to threaten witnesses in the cases registered against him and is trying to grab government and private land and is making money by settling cases. Many people are afraid even to lodge a complaint against him. So it is not desirable to close the rowdy sheet against the petitioner in the larger interest of public.

4 On 26.04.2004 petitioner filed his reply affidavit inter alia contending that the averment in the counter affidavit filed on behalf of the respondents that he is absconding is not true and that pendency of cases is not one of the requirements under the Police Standing Orders to continue the rowdy sheet against him at the behest of the political leaders.

5 Second respondent filed his counter affidavit on 30.10.2007 inter alia contending that the rowdy sheet opened against the petitioner is being reviewed from time to time and is extended till 31.12.2007 and disputing the averment that the petitioner is a social worker and that he from 1988 to 2003 is involved in 17 cases under various sections of IPC and other laws and all those cases, except case in Crime No.113 of 2003 registered under section 148, 324, 307 and 435 read with 149 IPC on the file of the Cyberabad police station which is still pending ended in acquittal. As and when all the cases which are pending against him are closed, petitioner can make a representation for closure of the rowdy sheet and then it would be

considered in accordance with law by the competent authority. Since enquiries made by him revealed that the petitioner is a land grabber and was involved in a number of cases surveillance on him is required, as oral complaints are being received against him that he is continuing his rowdy activities in the area.

6 Petitioner filed his reply affidavit for the counter affidavit filed by the 2nd respondent inter alia contending that inasmuch as all the cases registered against him ended in acquittal and as the court in several cases held that pendency of one case is not a ground either for opening or continuing a rowdy sheet under Police Standing Order No.742 or 735, continuance of the rowdy sheet on the basis of oral complaints and personal enquiries is improper.

7 The contention of the learned counsel for the petitioner is that since the averments in the affidavit filed in support of the application are not denied or disputed by the respondents 1 and 2 initially, and as the person who passed the order impugned continuing the rowdy sheet against the petitioner did not file his counter affidavit stating the facts and circumstances leading to his taking a decision to continue the rowdy sheet against the petitioner, and since the 3rd respondent who is a subordinate to the 2nd respondent cannot know the basis on which 2nd respondent passed the order continuing the rowdy sheet against the petitioner, the order impugned is liable to be quashed. The contention of the learned Government Pleader for Home is that inasmuch as the petition is a well known rowdy element in the area and is putting the people in the area to threat not to give evidence against him, there are no grounds to interfere with the order impugned.

8 The fact that the petitioner was acquitted in all the cases registered against him is admitted in the counter affidavit dated 31.10.2007 filed by the 2nd respondent. According to the respondents only one case is pending against the petitioner. Since acquittal amounts to giving a clean chit to the accused, it cannot be said that the

person acquitted was either involved or committed the offence alleged against him. It is also well known that pendency or registering of one case is not a ground for opening or a rowdy sheet. Even according to the respondents there is only one case is pending trial against the petitioner and in all other cases he was acquitted. Therefore, in my considered opinion, continuance of the rowdy sheet against the petitioner is unwarranted.

9 Accordingly, the petition is allowed and the order passed directing continuance of the rowdy sheet against the petitioner is quashed. This order does not preclude the respondents from reviewing the case of the petitioner and taking action against him as per law. No order as to costs.

C.Y.Somayajulu, J.

27.12.2007
Kvsn/Cvrk